

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

UNITED STATES OF AMERICA, Plaintiff, v. TROY X. KELLEY Defendant.	NO. 3:15-cr-05198-RBL-1 DECLARATION OF JACOB ANCONA NOTE ON MOTION CALENDAR: JUNE 1, 2018
---	---

I, Jacob Ancona, do declare and state as follows:

1. I am the litigation support manager for Fidelity National Financial and all affiliated entities. I am over the age of 18 and am competent to testify herein.
2. In my work as a litigation support specialist for the past four years, I analyze and respond to requests for documents and data relating to records of Fidelity National Financial. Additionally, I am familiar with the various databases and resources utilized in the storage of files and records maintained by Fidelity National Financial and affiliated companies.
3. As a result of my work, I have personal knowledge regarding Fidelity National Financials record management processes and procedures.
4. The facts and information contained herein are based on my personal knowledge or based on business records created and maintained in the ordinary course of business by Fidelity National Financial, of which records I am a custodian.

1 5. Fidelity National Financial maintains its files in multiple storage facilities
2 throughout the United States.

3 6. The majority of the files identified in “Exhibit 1” would have likely been stored at
4 the Portland Record Center.

5 7. Periodically, files are reviewed and approved for destruction which exceed the
6 retention period required by law or any applicable preservation requirement.

7 8. Company Record Retention guidelines for the State of Washington are 5 years for
8 title files and 6 years for escrow files, and as such, many of the files requested would have likely
9 been destroyed in the normal course of business.

10 9. The Portland Record Center was shut down on or about August 2017, and all files
11 that required continued retention were moved to warehouses in Schertz, Texas or Ontario,
12 California.

13 10. “Exhibit 1” identifies approximately 2,400 files, the majority of which would
14 have been eligible for destruction.

15 11. Electronic searches of Company production systems were conducted based on the
16 information in the subpoena. FNF’s litigation support team ran certain listed file numbers on a
17 random basis. While a few file numbers matched FNF files, those transactions were from parts
18 of the county other than the Pacific Northwest, therefore, not responsive to the criteria of the
19 subpoena.

20 12. Assuming the files requested had not been destroyed in the normal course of
21 business, based on the information provided, it would be extremely difficult if not impossible to
22 locate the requested files. The file numbers listed on “Exhibit 1” appear to be that of the Post
23 Closing Department, with Fidelity National Financial as the customer. Those file numbers would
not mirror those of the Company.

 13. In order to locate and retrieve a file from the Record Center, some combination of
the following is required, Escrow/Title Number, Party Full Name, and Property Address.

15. A review of each of the 2,400 files, if located, at a rate of five minutes per file, would require over 200 personnel hours, which amounts to approximately 25 days of full-time review at a rate of \$50 an hour, which would amount to approximately \$10,000.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Denver, Colorado, this 31st day of May, 2018.

DECLARATION OF JACOB ANCONA- 3
3:15-cr-05198-RBL-1

FREY BUCK, P.S.
1200 FIFTH AVENUE, SUITE 1900
SEATTLE, WA 98101
P: (206) 486-8000 F: (206) 902-9660

Certificate of Service

I certify that on the date noted below I electronically filed this document entitled **DECLARATION OF JACOB ANCONA** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

Angelo J. Calfo, WSBA No. 27079
Calfo, Eakes and Ostrovsky, PLLC
1301 Second Avenue, Suite 2800
Seattle, WA 98101-3808
(206) 407-2210
FAX:

Attorneys for Defendant

Katheryn Kim Frierson, AUSA
U.S. Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271

Attorneys for Plaintiff

DATED this 31st day of May, 2018 at Seattle, Washington.

Ted Buck via ECF